

Appl. No. 09/911143  
Reply to Office action of 2/9/2005

### **REMARKS**

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. The Specification and claims 27-31 are hereby amended.

The amendment of the specification and claim 31, reciting on a side where the laser beam 123 is incident, is supported by Figure 12A. The amendment of the specification corrects the error of reference number 123 not being referred to. The amendments to the Abstract and claim 27 are supported by page 27, line 9 to page 28, line 13, page 17, lines 22-24, and Figures 11 and 12A. Amendment of claims 28 and 29 is supported by Figure 12A and page 27, line 30 to page 28, line 13. Amendment of claim 30 is supported by Figure 12A and page 27, line 37 to page 28, line 13.

The title of the invention was objected to for lack of descriptiveness. The title is amended to address the concerns of the Examiner.

The Abstract was objected to for not concisely stating the technical disclosure of the invention to which the claims are directed. The Abstract is amended to address the concerns of the Examiner.

Favorable reconsideration of the Specification is requested.

Claims 27-31 were rejected as failing to comply with the written description requirement. Applicants traverse this rejection. The Examiner noted lack of support for the amendment of claim 27 including that the recording medium composes two or more recording layers on which information is recorded and a distance from one of the plurality of recording layer to a surface of the optical recording medium is approximately 100 $\mu$ m. Support regarding two or more recording layers is provided, for example, by Figure 12A. Support regarding the distance of 100 $\mu$ m is provided by page 17, lines 22-24. Favorable reconsideration of claims 27-31 is requested.

Appl. No. 09/911143  
Reply to Office action of 2/9/2005

Claims 27-31 were rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 27 is amended editorially to address the concerns of the Examiner.

Claims 27-29 and 31 were rejected as being anticipated by Kashiwagi (US 6,175,548). Applicants traverse this rejection. Claim 27 requires an optical recording medium suitable for recording or reproduction by an apparatus with an optical head including an objective lens with a NA of 0.7 to 0.9... and a distance from the surface of the multilayer optical recording medium on which the laser beam is incident to one of the plurality of recording layers being approximately 100  $\mu\text{m}$ . Kashiwagi does not suggest a recording layer thickness of 100  $\mu\text{m}$  throughout the NA range of 0.7 to 0.9 of the objective lens. Rather, Kashiwagi teaches that if the NA is equal or greater than .76, the thickness of the recording layer becomes 182  $\mu\text{m}$  (see column 6, lines 36-38).

In the invention of claim 27, an equal distance from a surface to either the recording layer of a single-layer recording layer or to a multilayer recording layer provides a shorter focus control time period, as the spherical aberration correction means can be left in its initial state with minimum focal correction being required (see page 28, lines 20 to page 30, line 10). Thus, the time required for recording/reproducing information with respect to a recording layer can be shortened.

Further, claim 29 requires a multilayer optical recording medium, suitable for recording or reproduction by an apparatus which also is able to record/reproduce information with respect to a single layer optical recording medium, where a distance of 100  $\mu\text{m}$  is provided from both a surface of the single-layer recording medium on a side where the laser beam is incident to the recording layer A and from a surface of the multilayer optical recording medium to the first recording layer (B) provided on the laser beam incident side (see Figure 12A). Kashiwagi does not suggest this relationship between a distance from a surface to a recording layer (11A) in a single-layer optical recording medium and a distance from a surface of a multilayer optical recording medium to a first recording layer (11A) of a multilayer optical recording medium. Kashiwagi teaches away from an equal distance of approximately 100 $\mu\text{m}$ . The light

Appl. No. 09/911143  
Reply to Office action of 2/9/2005

transmission layer (12), shown in Figure 1, is disclosed as being  $3\mu\text{m}$  to  $182\mu\text{m}$  thick (see column 3, lines 19-20) while the sum thickness of light transmission layer (12) and intermediate layer (16) is set to  $3\mu\text{m}$  to  $182\mu\text{m}$  (see Figure 2 and column 4, lines 11-13). As a result, Kashiwagi teaches providing a distance from a surface to the first recording layer of a multilayer optical recording medium which is less than that to from a surface to the one recording layer of a single-layer recording medium.

Favorable reconsideration of claims 27-29 and 31 is requested.

Claim 30 was rejected as being unpatentable over Kashiwagi. Applicants traverse this rejection. Claim 30 should be reconsidered allowable for at least the same reasons as claim 27 from which it depends. Favorable reconsideration of claim 30 is requested.

In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612)455-3804.



Respectfully submitted,

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Dated: May 2, 2005

By

A handwritten signature in black ink, appearing to be "D. Mueller", written over a horizontal line.

Douglas P. Mueller  
Reg. No. 30,300

DPM:mfe